

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

JAMAR CHAMBERS, #1498977

§

VS.

§

CIVIL ACTION NO. 6:18cv429

JEFFREY CATOE, ET AL.

§

ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Plaintiff Jamar Conrad Chambers, an inmate currently confined at the Eastham Unit within the Texas Department of Criminal Justice (TDCJ), is proceeding *pro se* and *in forma pauperis* in the above styled and numbered civil rights lawsuit. The complaint was referred to the United States Magistrate Judge, the Honorable K. Nicole Mitchell, for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On July 9, 2019, Judge Mitchell issued a Report (Dkt. #21), recommending that Defendants' two motions to dismiss (Dkt. ##15, 16) be denied in part and granted in part. Specifically, Judge Mitchell recommended that both motions to dismiss be granted against all Defendants for monetary damages brought against them in their official capacities. She further recommended that Defendants' motion to dismiss (Dkt. #16) be granted to the extent that it dismisses Plaintiff's claims against Defendants Catoe, Richardson, and Cooper for Plaintiff's failure to state claims against them upon which relief could be granted. In all other respects, Judge Mitchell recommended that the motion be denied.

Finally, with respect to the other motion to dismiss (Dkt. #15), Judge Mitchell recommended that Plaintiff's claims of medical deliberate indifference against Defendants Martin,

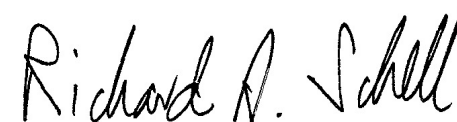
Oliver, Webster, and Whitten should proceed before the court. A copy of this Report was delivered to both parties return receipt requested. Plaintiff has filed timely objections. (Dkt. #23).

The court has conducted a careful, *de novo* review of the record and the Magistrate Judge's proposed findings and recommendations. *See* 28 U.S.C. §636(b)(1) (District Judge shall "make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made."). Upon such *de novo* review, the court has determined that the Report of the United States Magistrate Judge is correct and Plaintiff's objections are without merit. Accordingly, it is

ORDERED that the Report and Recommendation (Dkt. #21) of the United States Magistrate Judge is **ADOPTED** as the opinion of the court. Plaintiff's objections (Dkt. #23) are overruled. Further, it is

ORDERED that Defendants' motions to dismiss (Dkt. ## 15, 16) are **DENIED** in part and **GRANTED** in part. Both motions to dismiss are **GRANTED** as to any claims against Defendants for monetary damages brought against them in their official capacities. Further, Defendants' motion to dismiss (Dkt. #16) is **GRANTED** to the extent that claims against Defendants Catoe, Richardson, and Cooper are **DISMISSED WITH PREJUDICE**. In all other respects, both motions to dismiss are **DENIED**. Plaintiff Chambers' claims of medical deliberate indifference against Defendants Martin, Oliver, Webster, and Whitten will proceed before the court.

SIGNED this the 27th day of September, 2019.

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive, flowing style. The first name "Richard" is written in a larger, more prominent script, followed by "A." and "Schell". The signature is positioned above a horizontal line.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE